

ORIGINAL



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BEFORE THE ARIZONA CORPORATION COMMISSION

JEFF HATCH-MILLER
Chairman
WILLIAM A. MUNDELL
Commissioner
MARC SPITZER
Commissioner
MIKE GLEASON
Commissioner
KRISTIN K. MAYES
Commissioner

Arizona Corporation Commission

DOCKETED

MAY 05 2006

DOCKETED BY

[Signature]

AZ CORP COMMISSION
DOCUMENT CONTROL

2006 MAY -5 P 1:22

RECEIVED

IN THE MATTER OF THE APPLICATION OF
WEST END WATER COMPANY FOR AN
EXTENSION OF ITS CERTIFICATE OF
CONVENIENCE AND NECESSITY.

DOCKET NO. W-01157A-05-0706

APPLICANT'S RESPONSE TO STAFF REPORT

The Applicant has reviewed the Executive Summary and the complete Staff Report dated April 21, 2006 ("Report"), and has the following comments:

1. Applicant has no material disagreement with any of the factual statements contained in the Report; however, the Applicant directs the parties' attention to an inadvertent reference to "Mohave County" instead of "Maricopa County" on page 5 of the Report.

2. Applicant agrees to each and every one of the recommended conditions stated in the Report.

3. With respect to recommended condition 5, attached hereto as Exhibit "A" is a copy of the Applicant's Application for a Curtailment Tariff, which the Applicant filed on April 26, 2005.

///

1 4. With respect to recommended condition 6, attached hereto as Exhibit "B" is
2 a copy of the Maricopa County Franchise Agreement covering the requested area.

3 5. With respect to recommended condition 7, the Applicant has started its due
4 diligence and expects to fully comply with said condition on or before the expiration of
5 forty-five (45) days after a decision in this matter.

6 Dated this 5th day of May, 2006.

7 JENNINGS, STROUSS & SALMON, P.L.C.

8
9 By 

10 J. Scott Rhodes

11 The Collier Center, 11th Floor

12 201 East Washington Street

13 Phoenix, Arizona 85004-2385

14 Attorneys for Applicant, West End Water
15 Company

16 ORIGINAL + 13 copies filed this 5th
17 day of May, 2006, with:

18 Docket Control

19 ARIZONA CORPORATION COMMISSION

20 1200 West Washington Street

21 Phoenix, Arizona 85007

22 COPY delivered this 5th day of
23 May, 2006:

24 Amy Bjelland

25 Administrative Law Judge

26 Hearing Division

 ARIZONA CORPORATION COMMISSION

 1200 West Washington Street

 Phoenix, Arizona 85007

 ///

 ///

1 Earnest G. Johnson, Director
2 Utilities Division
3 ARIZONA CORPORATION COMMISSION
4 1200 West Washington Street
5 Phoenix, Arizona 85007

6 Christopher Kempley, Chief Counsel
7 Legal Division
8 ARIZONA CORPORATION COMMISSION
9 1200 West Washington Street
10 Phoenix, Arizona 85007

11 COPY mailed this 5th day of
12 May, 2006:

13 Joan Burke
14 Danielle D. Janitch
15 OSBORN MALEDON PA
16 2929 North Central Avenue
17 Suite 2100
18 Phoenix, Arizona 85012-2793
19 Attorneys for City of Surprise

20 City Attorney
21 CITY OF SURPRISE
22 12425 West Bell Road
23 Surprise, Arizona 85374

24 By: Mary J. Laska
25
26

A

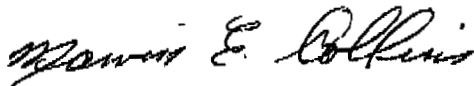
WEST END WATER CO.

9098 W. Pinnacle Peak Road
Peoria, Arizona 85383
Phone: (623) 972-6133
Fax: (623) 566-8925

April 26, 2006

Docket Control
Arizona Corporation Commission
1200 W. Washington
Phoenix, AZ 85007

Attached is an application by West End Water Co. Wittmann System, PWS #07-067, for approval of a Curtailment Tariff. The purpose of this tariff is to implement water conservation measures during times of water shortages.



Marvin E. Collins
Manager

RECEIVED

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AZ CORP COMMISSION
DOCUMENT CONTROL

**Cover Sheet
Arizona Corporation Commission
Docket Control Center**

Company/Case Name West End Water Co. Wittmann System

Doing Business As (d/b/a) _____

Docket Number (s) _____

Description of Document or Nature of Action
Please choose the item that best describes the nature of the case/filing.

UTILITIES - NEW APPLICATION

- | | |
|--|---|
| <input type="checkbox"/> New CC&N | <input type="checkbox"/> Main Extension |
| <input type="checkbox"/> Rates | <input type="checkbox"/> Contract/Agreements |
| <input type="checkbox"/> Interim Rates | <input type="checkbox"/> Formal Complaint |
| <input type="checkbox"/> Cancellation of CC&N | <input type="checkbox"/> Waiver/Rule Variance |
| <input type="checkbox"/> Deletion of CC&N | <input type="checkbox"/> Line Siting Committee Case |
| <input type="checkbox"/> Extension of CC&N | <input type="checkbox"/> Small Water Company - Surcharge |
| <input checked="" type="checkbox"/> Tariff (NEW) | <input type="checkbox"/> Sale of Assets & Transfer of Ownership |
| <input type="checkbox"/> Request for Arbitration | <input type="checkbox"/> Sale of Assets & Cancellation of CC&N |
| <input type="checkbox"/> Full or Partially Arbitrated | <input type="checkbox"/> Fuel Adjuster/PGA |
| <input type="checkbox"/> Interconnection Agreement | <input type="checkbox"/> Merger |
| <input type="checkbox"/> Voluntary Interconnection Agreement | <input type="checkbox"/> Financing |
| <input type="checkbox"/> Miscellaneous - Specify: _____ | |

UTILITIES - REVISIONS/AMENDMENTS TO PENDING OR APPROVED MATTERS

<input type="checkbox"/> Application:	<input type="checkbox"/> Tariff: (Promotional or Compliance)
	(Circle One)
Company _____	Decision No. _____
Docket Number _____	Docket No: _____

SECURITIES or MISCELLANEOUS FILINGS

- | | |
|---|---|
| <input type="checkbox"/> Affidavit (Publication, Public Notice) | <input type="checkbox"/> Request/Motion for Extension of Time |
| <input type="checkbox"/> Comments | <input type="checkbox"/> Request/Motion for a Hearing |
| <input type="checkbox"/> Exception | <input type="checkbox"/> Request/Motion for an Intervention |
| <input type="checkbox"/> Exhibit(s) | <input type="checkbox"/> Miscellaneous Request/Motion |
| <input type="checkbox"/> Notice of Appearance/Intent | <input type="checkbox"/> Request/Motion for a Re-hearing |
| <input type="checkbox"/> Notice of Errata | <input type="checkbox"/> Request/Motion to Continue Hearing |
| <input type="checkbox"/> Opposition | <input type="checkbox"/> Request/Motion to Strike |
| <input type="checkbox"/> Petition | <input type="checkbox"/> Response |
| | <input type="checkbox"/> Testimony |
| | <input type="checkbox"/> Waiver |
| | <input type="checkbox"/> Witness List |
| | <input type="checkbox"/> Intervention |

OTHER: _____

04/26/06

Date

Revised 10/15/02

Marvin E. Collins, Manager

Print the name of the person whose signature appears on the filing
(i.e. Contact Person, Respondent, Attorney, Applicant, etc.)

TARIFF SCHEDULE

Utility: West End Water Co.
Docket No.: _____
Phone No.: 623-972-6133

Tariff Sheet No.: 1 of 4
Decision No.: _____
Effective: _____

CURTAILMENT PLAN FOR WITTMANN SYSTEM
(Template 063004)

ADEQ Public Water System No: 07-067

West End Water Co. ("Company"), is authorized to curtail water service to all customers within its certificated area under the terms and conditions listed in this tariff.

This curtailment plan shall become part of the Arizona Department of Environmental Quality Emergency Operations Plan for the Company.

The Company shall notify its customers of this new tariff as part of its next regularly scheduled billing after the effective date of the tariff or no later than sixty (60) days after the effective date of the tariff.

The Company shall provide a copy of the curtailment tariff to any customer, upon request.

Stage 1 Exists When:

Company is able to maintain water storage in the system at 100 percent of capacity and there are no known problems with its well production or water storage in the system.

Restrictions: Under Stage 1, Company is deemed to be operating normally and no curtailment is necessary.

Notice Requirements: Under Stage 1, no notice is necessary.

Stage 2 Exists When:

- a. Company's water storage or well production has been less than 80 percent of capacity for at least 48 consecutive hours, and
- b. Company has identified issues such as a steadily declining water table, increased draw down threatening pump operations, or poor water production, creating a reasonable belief the Company will be unable to meet anticipated water demand on a sustained basis.

Restrictions: Under Stage 2, the Company may request the customers to voluntarily employ water conservation measures to reduce water consumption by approximately 50 percent. Outside watering should be limited to essential water, dividing outside watering on some uniform basis (such as even and odd days) and eliminating outside watering on weekends and holidays.

TARIFF SCHEDULE

Utility: West End Water Co.
Docket No.: _____
Phone No.: 623-972-6133

Tariff Sheet No.: 2 of 4
Decision No.: _____
Effective: _____

Notice Requirements: Under Stage 2, the Company is required to notify customers by delivering written notice door to door at each service address, or by United States first class mail to the billing address or, at the Company's option, both. Such notice shall notify the customers of the general nature of the problem and the need to conserve water.

Stage 3 Exists When:

- a. Company's total water storage or well production has been less than 50 percent of capacity for at least 24 consecutive hours, and
- b. Company has identified issues such as a steadily declining water table, increased draw down threatening pump operations, or poor water production, creating a reasonable belief the Company will be unable to meet anticipated water demand on a sustained basis.

Restrictions: Under Stage 3, Company shall request the customers to voluntarily employ water conservation measures to reduce daily consumption by approximately 50 percent. All outside watering should be eliminated, except livestock, and indoor water conservation techniques should be employed whenever possible. Standpipe service shall be suspended.

Notice Requirements:

1. Company is required to notify customers by delivering written notice to each service address, or by United States first class mail to the billing address or, at the Company's option, both. Such Notice shall notify the customers of the general nature of the problem and the need to conserve water.
2. Beginning with Stage 3, Company shall post at least 5 signs showing the curtailment stage. Signs shall be posted at noticeable locations, like at the well sites and at the entrance to major subdivisions served by the Company.
3. Company shall notify the Consumer Services Section of the Utilities Division of the Corporation Commission at least 12 hours prior to entering Stage 3.

Once Stage 3 has been reached, the Company must begin to augment the supply of water by either hauling or through an emergency interconnect with an approved water supply in an attempt to maintain the curtailment at a level no higher than Stage 3 until a permanent solution has been implemented.

TARIFF SCHEDULE

Utility: West End Water Co.
Docket No.: _____
Phone No.: 623-972-6133

Tariff Sheet No.: 3 of 4
Decision No.: _____
Effective: _____

Stage 4 Exists When:

- a. Company's total water storage or well production has been less than 25 percent of capacity for at least 12 consecutive hours, and
- b. Company has identified issues such as a steadily declining water table, increased draw down threatening pump operations, or poor water production, creating a reasonable belief the Company will be unable to meet anticipated water demand on a sustained basis.

Restrictions: Under Stage 4, Company shall inform the customers of a mandatory restriction to employ water conservation measures to reduce daily consumption. Failure to comply will result in customer disconnection. The following uses of water shall be prohibited:

- ◆ Irrigation of outdoor lawns, trees, shrubs, or any plant life is prohibited
- ◆ Washing of any vehicle is prohibited
- ◆ The use of water for dust control or any outdoor cleaning uses is prohibited
- ◆ The use of drip or misting systems of any kind is prohibited
- ◆ The filling of any swimming pool, spas, fountains or ornamental pools is prohibited
- ◆ The use of construction water is prohibited
- ◆ Restaurant patrons shall be served water only upon request
- ◆ Any other water intensive activity is prohibited

The Company's operation of its standpipe service is prohibited. The addition of new service lines and meter installations is prohibited.

Notice Requirements:

1. Company is required to notify customers by delivering written notice to each service address, or by United States first class mail to the billing address or, at the Company's option, both. Such notice shall notify the customers of the general nature of the problem and the need to conserve water.
2. Company shall post at least 5 signs showing curtailment stage. Signs shall be posted at noticeable locations, like at the well sites and at the entrance to major subdivisions served by the Company.
3. Company shall notify the Consumer Services Section of the Utilities Division of the Corporation Commission at least 12 hours prior to entering Stage 4.

TARIFF SCHEDULEUtility: West End Water Co.Tariff Sheet No.: 4 of 4

Docket No.: _____

Decision No.: _____

Phone No.: 623-972-6133

Effective: _____

Customers who fail to comply with the above restrictions will be given a written notice to end all outdoor use. Failure to comply within two (2) working days of receipt of the notice will result in temporary loss of service until an agreement can be made to end unauthorized use of outdoor water. To restore service, the customer shall be required to pay all authorized reconnection fees. If a customer believes he/she has been disconnected in error, the customer may contact the Commission's Consumer Services Section at 1-800-222-7000 to initiate an investigation.

Once Stage 4 has been reached, the Company must augment the supply of water by hauling or through an emergency interconnect from an approved supply or must otherwise provide emergency drinking water for its customers until a permanent solution has been implemented.

B

WEST END WATER CO.

9098 W. Pinnacle Peak Road
Peoria, Arizona 85383
Phone: (623) 972-6133
Fax: (623) 566-8925

November 28, 2005

Ms. Fran McCarroll
Clerk of the Board
Maricopa County
301 W. Jefferson
Phoenix, AZ 85003

Re: Application for Public Service Franchise

Dear Ms. McCarroll:

Please find enclosed a signed Application for Public Service Franchise for West End Water Co., for consideration and approval by the Maricopa County Board of Supervisors.

This application will replace the one sent to you on November 14, 2005, which was not signed.

The area being requested is part of a proposed development called Walden Ranch. Walden Ranch is a proposed development that encompasses approximately 520.6 acres. All except the 160 acres described in this application are within the existing water service area of West End Water Co.

West End Water Co. has submitted an application to the Arizona Corporation Commission to expand West End Water Co.'s existing Certificate of Convenience and Necessity and we are confident the application will be successfully completed within the next six (6) months.

If you have any questions, I can be reached at (623) 972-6133.

Sincerely,



J.D. Campbell
President

JDC:ks
Enc.

**BEFORE THE BOARD OF SUPERVISORS
OF
MARICOPA COUNTY, STATE OF ARIZONA**

In the matter of the Application)

of)

WEST END WATER CO.)

**APPLICATION FOR A
PUBLIC SERVICE
FRANCHISE**

TO THE HONORABLE BOARD OF SUPERVISORS:

The undersigned, a company doing business in Maricopa County, State of Arizona, hereby petitions your body for a Public Service Franchise to construct, maintain and operate:

A domestic water distribution system, consisting of pipelines, meters, connections and all necessary equipment,

To serve the residents within the area described as follows:

Northwest ¼ of Section 25, Township 5 North, Range 3 West, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

I.

The petitioner has filed an application with the Arizona Corporation Commission for a Certificate of Public Convenience and Necessity to exercise the functions of a public utility to furnish the water service described above to persons living within the area described above, subject to the laws of the State of Arizona. The petitioner has been providing and currently provides water service to the public throughout its adjacent existing Water Franchise Areas.

II.

The petitioner has entered into an agreement with a developer to undertake installation of the water facilities necessary to provide and perform the service mentioned above, within the area for which this franchise is requested.

III.

That by reason of the facts already stated herein, and because this service will be available to persons now living, or who may live, within the said area hereinbefore described, and because of the further fact that services promptly supplied to waiting customers and prospective applicants will do much to develop and improve the area described, the petitioner respectfully petitions your Honorable Board of Supervisors to grant this application for a right and franchise from the County of Maricopa, State of Arizona. Petitioner will construct, maintain and operate the aforementioned utility for a period of twenty-five years (25), or for a period of one (1) year after the franchised area or a portion thereof is annexed by a municipality, along, upon, under and across public

highways, roads, alleys, and thoroughfares (excepting State highways) within that portion of Maricopa County hereinbefore described. Also the described area is not within the confines of any incorporated city or town and under such restrictions and limitations and under such terms as this Board may provide, not inconsistent with law and order and the rules of the Arizona Corporation Commission and that this Board take such proceedings herein as provided by the laws of the State of Arizona.

DATED at Phoenix, Arizona, this fourteenth day of November, 2005.

NAME: 

JD Campbell, President

West End Water Co.

9098 W. Pinnacle Peak Road

Peoria, Arizona 85383



Maricopa County

Clerk of the Board of Supervisors

301 West Jefferson Street
10th Floor
Phoenix, AZ 85003-2148
Phone: 602-506-3766
Fax: 602-506-6402
www.maricopa.gov

February 24, 2006

JC Campbell, President
West End Water Co.
9098 W. Pinnacle Peak Road
Peoria, AZ 85383

Re: Public Service Franchise
West End Water Co.

Dear Mr. Campbell:

The Board of Supervisors in formal session on February 1, 2006, granted a franchise to West End Water Co. in accordance with the application filed by you.

We would appreciate your calling for the franchise as soon as possible at which time we request that you deposit the amount of \$6.40 to reimburse Maricopa County for the cost of advertising the matter.

Sincerely,

BOARD OF SUPERVISORS

A handwritten signature in cursive script, reading "Lori Pacini", written over a horizontal line.

Lori Pacini
Deputy Clerk, Board of Supervisors

Attachment

PUBLIC HEARING/WEST END WATER CO.

01

Arizona Business Gazette

PO BOX 194
Phoenix, Arizona 85001-0194
(602) 444-7315 FAX (602) 444-7364

STATE OF ARIZONA
COUNTY OF MARICOPA

} SS.

Tom Bianco, being first duly sworn, upon oath deposes and says: That he is the advertising manager of the Arizona Business Gazette, a newspaper of general circulation in the county of Maricopa, State of Arizona, published weekly at Phoenix, Arizona, and that the copy hereto attached is a true copy of the advertisement published in the said paper on the dates indicated.

1/12/2006

1/19/2006

1/26/2006

Sworn to before me this
26TH day of
JANUARY 2006



[Signature]

Ashlyn Greenwood
Notary Public